

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

This amendment is a substitute for the Amendment mailed 10/18/03 which had deletions bracketed instead of lined out as required by the new procedure.

Claims 4-9 and 12-14 were objected to as being dependent upon a rejected base claim but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 has been rewritten in independent form and includes all the limitations of claims 1, 2 and 3, except that the term “space apart knobs” has been replaced with “spaced apart protrusions” in order to more clearly provide support for “knurled” of claim 7 and “knobs” of claims 5 and 6 and thus is believed to be allowable along with claims 5-7, dependent thereon. Claim 8 has been rewritten to include the limitations of claims 2 and 1 and is therefore believed to be allowable along with claim 9, dependent thereon. Claim 13 has been amended to include the limitations of claims 1 and 2 and is believed to be allowable along with claim 14, dependent thereon and such actions are respectfully requested.

Claims 1-3,10,11,15 and 16 stand rejected under 35 USC 103(a) as being unpatentable over Kurtz et al. ('658), the examiner noting that the reference shows a generally circular top disc 11 with a circular window and a rotating disc 31 with

“stroke” indicating idicia thereon and a hole centrally located on the disc. The examiner noted that the circumference of the rotating disc 31 is slightly less than that of top disc 11. The examiner acknowledged that Kurtz does not disclose a pin extending downward from the bottom surface of the top disc 11 but does disclose a lug 21 (pin) which passes through the central hole of the rotating disc 31 and abuts the bottom surface of the top disc 11 allowing relative circular motion between the top disc 11 and the rotating disc 31 and concluded that it would have been obvious to a person of ordinary skill in the art at the time of the invention to affix pin 21 to the bottom surface of the top disc 11 in order to avoid any “slippage” of the rotating disc, therefore ensuring proper axial alignment. The examiner also noted, apparently with respect to claim 3, that Kurtz’ second disc inherently has a ground surface traction surface configuration. It is believed that the claims, as amended patentably distinguish over the cited art in view of the following comments. In order for the Kurtz device to function as intended, lug 21, in its entirety, is contained between discs 11 and 31. This permits the scoring device to be attached to a golf glove on one face surface and have an opposite face without any encumbrances. As rewritten, claim 1 calls for the pin to extend a selected distance beyond the bottom surface of the second disc member for insertion into the ground. Not only is there no suggestion of having lug 21 pass extend beyond the outer surface of disc 11, to do so would be totally inconsistent with the purpose of Kurtz’ device. It is therefore submitted that the rejection of claim 1 be withdrawn and the claim allowed along with dependent claims 2, 10, 11,12, also drawn to previously indicated allowable subject matter, and 15-20.

In view of the above comments, reconsideration of the application, withdrawal of the rejection and allowance of claims 9-14 are respectfully requested.

Respectfully submitted,



John A. Haug
Attorney for Applicant
Reg. No. 22, 273

508-432-0905

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name: John A. Haug

Date:

Signature:



10/22/03